



02-29-12

28-11-12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Srivats, et al.

Serial No.: 10/585,389

Filed: January 6, 2005

Attorney Docket No.: 04-40395-US

Group Art Unit 3617

Examiner: Bellinger, Jason R

TITLE: WHEELS OF UNITARY
CONSTRUCTION AND METHOD OF
MAKING SAME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW
HOLDING OF ABANDONMENT PURSUANT TO 37 C.F.R. §1.181(a)**

Sir:

Applicants hereby request withdrawal of the holding of abandonment in the above-captioned application, which was erroneously deemed abandoned by the Examiner for failure to file a Notice of Appeal or a Request for Continuation of Examination (RCE) within the statutory period of 6 months from the mailing date of the final office action dated April 18, 2011.

Applicants submit that a timely Notice of Appeal was filed on October 18, 2011 for the above-captioned application, along with a petition for a three month extension of time to file. Moreover, Applicants submit that the Office's own records indicate that the Notice of Appeal was accorded a filing date of October 18, 2011, and therefore timely. In support of the foregoing, Applicants include herewith:

(1) a copy of a postcard receipt constituting *prima facie* evidence that the Notice of Appeal had been timely filed, *see* MPEP 711.03(c) ("applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed"), attached hereto as Exhibit A;

(2) a screen capture of the image file wrapper for the above-captioned application demonstrating that the Office has accorded the Notice of Appeal a timely filing date, October 18, 2011, attached hereto as Exhibit B; and

(3) a copy of the Notice of Appeal, attached hereto as Exhibit C.

In view of the foregoing, Applicants respectfully submit that the above-captioned application is not abandoned and request that the Commissioner withdraw the Examiner's erroneous entry of abandonment.

No fee is required in a petition under 37 C.F.R. §1.181(a); however, to the extent that a fee is required, the Commissioner is hereby authorized to charge any additional fees required or credit any overpayment to Deposit Account No. 18-0586.

Applicants respectfully request early notification that the entry of abandonment has been withdrawn and that the Notice of Appeal has been properly processed.

EXPRESS MAIL CERTIFICATE (37 CFR 1.10)

Express Mail Label No. EV 831186718 US

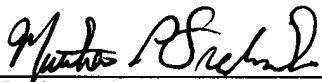
Date of Deposit: 2-27-2012

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Name: Cody M. Nye

Signature: 

Respectfully submitted,
REED SMITH LLP



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Attorney for Applicant



EXHIBIT A

Pat./Serial No. 10/585,389

Title: Wheel of Victory Construction and Method of Making Same

Appl./Patentee Smith et al.

Atty. Docket # 04-46395-US

- 1) Transmittal Letter
- 2) Response to Final OA
- 3) Notice of Appeal
- 4) Petition for Three Month Extension of Time
- 5) Check Card Payment Firm 5945.00

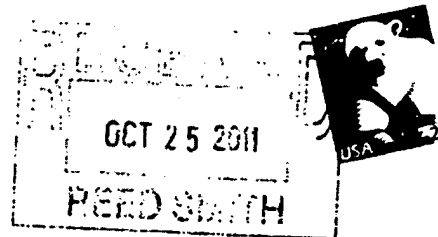
ne Patent and Trademark Office acknowledges,
A. I has stamped hereon, the date of the receipt of
The items listed below:

Cert. Of Mailing:

1st Class Date _____

Express Mail Date 10-18-2011

Label No. EV 831186752 US



Intellectual Property Group
Reed Smith LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103-7301





EXHIBIT B

United States Patent & Trademark Office - Windows Internet Explorer - Video Streaming

https://ppair.uspto.gov/eportal/myportal/ut/c/04_S88K8xLLM8M55zP-g-8-9-CP0o3h3Hy8_YwMLR29PB0-czA09fd09-

Google

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United States Patent & Trademark Office

Patent eBusiness

Electronic Filing

Patent Application Information (PAIR)

Patent Ownership

Fees

Supplemental Resources & Support

Patent Information

Patent Guidance and General Info

Codes, Rules & Manuals

Employee & Office Directories

Resources & Public Notices

Patent Searches

Patent Official Gazette

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Reports

Secured Patent Application Information Retrieval

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Order Certified Application As Filed

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View Order List

10/585,389

Wheels of unitary construction and method of making same

04-40395-US

Select New Case

Application/Transaction Data History

Image File Wrapper

Continuity Data

Foreign Priority

Fees

Published Documents

Address & Assignments

Display References

Publication Review

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.

Available Documents

Document

Document Description

Document Category

Page Count

Mail Room Date

Code

Document

Document Description

Document Category

Page Count

02-23-2012

ABN

Abandonment

PROSECUTION

2

02-23-2012

OA EMAIL

Email Notification

PROSECUTION

1

11-22-2011

CTAV

Advisory Action (PTOL-303)

PROSECUTION

3

11-22-2011

ANE.I

Amendment After Final or under 37CFR 1.312, initiated by the examiner.

PROSECUTION

1

11-22-2011

OA APPENDIX

Office Action Appendix

PROSECUTION

3

11-22-2011

OA EMAIL

Email Notification

PROSECUTION

1

10-18-2011

A.NE

Amendment After Final

PROSECUTION

1

10-18-2011

CLM

Claims

PROSECUTION

10

10-18-2011

REM

Applicant Arguments/Remarks Made in an Amendment

PROSECUTION

10

10-18-2011

DRW

Drawings-only black and white line drawings

PROSECUTION

3

10-18-2011

TRAN LET

Transmittal Letter

PROSECUTION

2

10-18-2011

XT7

Extension of Time

PROSECUTION

1

10-18-2011

N/AP

Notice of Appeal Filed

PROSECUTION

1

10-18-2011

WFEE

Fee Worksheet (SB06)

PROSECUTION

1

04-18-2011

CTFR

Final Rejection

PROSECUTION

14

04-18-2011

SRFW

Search information including classification, databases and other search related notes

PROSECUTION

1

04-18-2011

OA APPENDIX

Office Action Appendix

PROSECUTION

3

02-14-2011

A..

Amendment/Req. Reconsideration-After Non-Final Rejection

PROSECUTION

1

02-14-2011

SPEC

Specification

PROSECUTION

3

02-14-2011

CLM

Claims

PROSECUTION

11

02-14-2011

REM

Applicant Arguments/Remarks Made in an Amendment

PROSECUTION

11

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FRPR

Certified Copy of Foreign Priority Application

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18

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Certified Copy of Foreign Priority Application

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17

02-14-2011

REM

Applicant Arguments/Remarks Made in an Amendment

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EXHIBIT C